

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants – Irrigation & C.A.D. Department – Irregularities of fraudulent encashment of cheques – Sri M. Dakshina Murthy, Assistant Executive Engineer, M.I. (W) Section-II, Adoni, Kurnool District – Enquiry conducted – Imposition of minor penalty of withholding one annual grade increment without cumulative effect – Awarded – Orders – Issued.

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IRRIGATION AND COMMAND AREA DEVELOPMENT (SER.VI) DEPARTMENT

G.O.Rt.No. 544

Dated:05.06.2013.

Read the following:-

- 1) From the Director General, Anti-Corruption Bureau, Hyderabad, Lr.No.58/RE-KUR/99, dated 31.08.2000.
- 2) G.O.Rt.No.848, Irrigation & C.A.D. (Ser.VI-2) Department, dated 31.07.2001.
- 3) From Sri M. Dakshina Murthy, Assistant Executive Engineer, written statement of defence, dated 18.12.2001.
- 4) G.O.Rt.No.1024, Irrigation & C.A.D. (Ser.VI-2) Department, dated 28.05.2002.
- 5) From Sri P.C. Parakh, I.A.S., Commissioner of Inquiries, General Administration Department, D.O.Lr.No.135/COI.PCP/2002-9, dated 21.03.2003.
- 6) Govt.Memo.No.1690/Ser.VI-2/99-13, dated 02.09.2003.
- 7) From Sri M. Dakshina Murthy, Assistant Executive Engineer representation, dated 08.11.2003.
- 8) Govt. Letter No.1690/Ser.VI-2/99-14, dated 08.11.2005.
- 9) From the Secretary, A.P.P.S.C., Hyderabad, Letter No.1216/RT-1/3/2005, dated 23.01.2006.
- 10) G.O.Ms.No.18, Irrigation & C.A.D. (Ser.VI-2) Department, dated 31.03.2006.
- 11) From the Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad, Letter No.RC/ENC/S1(4)/19336/2001, dated 18.03.2008 along with representation dated 20.12.2007 of Sri M. Dakshina Murthy, Assistant Executive Engineer.
- 12) Govt.Memo.No.7922/Ser.VI-2/2008-1, dated 08.04.2008.
- 13) Andhra Pradesh Administrative Tribunal orders, dated 03.12.2012 in O.A.No.6903 of 2012 filed by Sri M. Dakshina Murthy, Deputy Executive Engineer.
- 14) G.O.Ms.No.53, Irrigation & C.A.D. (Ser.VI-2) Department, dated 05.06.2013.

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**ORDER:-**

The Investigating Agency has conducted an enquiry in respect of Sri M. Dakshina Murthy, Assistant Executive Engineer, M.I. (W) Section-II, Adoni, Kurnool District and (3) others, on the allegation of irregularities committed by them in the execution of works related to Alur Section and drawal of bogus bills and found prima facie case and recommended to place all the Accused Officers including Sri M. Dakshina Murthy, Assistant Executive Engineer on their defence before the Commissioner of Inquiries.

(P.T.O.)

2. In the G.O. 2<sup>nd</sup> read above, departmental action was initiated against Sri M. Dakshina Murthy, Assistant Executive Engineer, M.I. (W) Section-II, Adoni, Kurnool District under Rule 20 of A.P.C.S. (CC & A) Rules, 1991, by way of issuing Articles of Charges, directing him to submit his written statement of defence.
3. In the reference 3<sup>rd</sup> read above, Sri M. Dakshina Murthy, Assistant Executive Engineer has submitted his written statement of defence, denying the charges framed against him.
4. In the reference 4<sup>th</sup> read above, orders were issued, by appointing Sri P.C. Parakh, I.A.S., Member, Commissioner of Inquiries, General Administration (COI) Department as Inquiring Authority to inquire into the charges framed against the said charged officer and three others.
5. In the reference 5<sup>th</sup> read above, the Member, Commissionerate of Inquiries & Inquiring Authority, after conducting the Inquiry, has submitted his inquiry report to the Government stating `that while charge of deliberately and dishonestly encashing cheques in the names of third party by forging the signatures in collusion with the Charged Officer-1 (Sri K.I. Madhavulu, Deputy Executive Engineer) is not proved against Charged Officer-2 (Sri M. Dakshina Murthy, Assistant Executive Engineer) to Charged Officer-4, all the three officers including Sri M. Dakshina Murthy, Assistant Executive Engineer are guilty of not following due procedure by preparing and submitting hand receipts and bills in the names of parties other than those who are said to have executed the works.
6. In the reference 6<sup>th</sup> read above, while enclosing a copy of the report of the Inquiring Authority, Sri M. Dakshina Murthy, Assistant Executive Engineer was directed to submit his explanation on the findings of the Inquiring Authority.
7. In the reference 7<sup>th</sup> read above, Sri M. Dakshina Murthy, Assistant Executive Engineer has submitted his explanation, stating that it is true that Sri G. Nagaraju did not execute the work. The work was got executed by himself. The role of Sri G. Nagaraju was limited to paying the amount in advance to the firms who did xerox-copying and typing the form, tracing plans and taking ammonia prints etc. only on condition of receiving payment in cash then and there. If Sri G. Nagaraju later denied that he did not pay the cash advance, it is a lie. It must have been done under pressure or threat from Sri Gopal Reddy of Vigilance & Enforcement Department who sole aim was to implicate his arch professional enemy Sri K.I. Madhavulu both of whom hail from same Kurnool District. The false statement made at a later date by Sri G. Nagaraju will not bind him in any manner. It is for Sri G. Nagaraju to defend his stand as to why he signed the Hand Receipts for Rs.2960/-. Anyway, the statement of Sri G. Nagaraju does not bind him in any matter. He has also stated that there was absolutely no deviation from established procedures and violation of codal provisions or departmental instructions by him in any respect. He has, therefore, requested to exonerate him from the charges.
8. Government have examined the findings of the Inquiring Authority as well as explanation submitted by Sri M. Dakshina Murthy, Assistant Executive Engineer and accepted the findings of the Inquiring Authority to the extent that the charge was partially established. Therefore, it was decided to impose stoppage of punishment of 1 (One) increment with cumulative effect on Sri M. Dakshina Murthy, Assistant Executive Engineer.

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9. In the reference 8<sup>th</sup> read above, the Secretary, A.P. Public Service Commission, Hyderabad was requested to obtain the concurrence of the Commission on the proposed major penalty i.e. the punishment of stoppage of 1 (One) increment with cumulative effect on Sri M. Dakshina Murthy, Assistant Executive Engineer.

10. In the reference 9<sup>th</sup> read above, the Secretary, A.P. Public Service Commission, Hyderabad has informed that Commission agreed with the proposal of the Government, to impose punishment of stoppage of 1 (One) increment with cumulative effect on Sri M. Dakshina Murthy, Assistant Executive Engineer. Accordingly, orders were issued in the reference 10<sup>th</sup> read above, imposing the punishment of stoppage of 1 (One) increment with cumulative effect on Sri M. Dakshina Murthy, Assistant Executive Engineer, M.I.W. Sub-Division, Kurnool District for the charges framed against him are held proved. Subsequently, Sri M. Dakshina Murthy, Assistant Executive Engineer submitted a review petition vide reference 11<sup>th</sup> read above, reiterating the earlier contentions and requested to look into the facts again and do justice to him by considering to exonerate him from the charges so as to become eligible for promotion to the post of Deputy Executive Engineer at least from now i.e. 2007 since the charges against him are not proved and he is deprived of promotion since 2004. The same was examined by the Government and the review petition was rejected, as the same is devoid of substance vide reference 12<sup>th</sup> read above.

11. Aggrieved by the above orders, Sri M. Dakshina Murthy, Deputy Executive Engineer has filed an O.A.No.6903 of 2012 before the Andhra Pradesh Administrative Tribunal, and in the reference 13<sup>th</sup> read above, the Andhra Pradesh Administrative Tribunal in its orders dated 03.12.2012 filed by Sri M. Dakshina Murthy, Deputy Executive Engineer while relying on the Hon'ble Supreme Court judgements set aside the impugned orders issued in G.O.Ms.No.18, dated 31.03.2006 and Revisional orders, dated 08.04.2008. While setting aside the same, the Andhra Pradesh Administrative Tribunal duly observed that:

“In the present case also, both the orders issued in G.O.Ms.No.18, dated 31.03.2006 imposing punishment of stoppage of one increment with cumulative effect and the orders in the revision issued by the 1<sup>st</sup> respondent dated 08.04.2008 does not contain any reasons and in my view the matter is to be remanded to the 1<sup>st</sup> respondent to consider the objections raised by the applicant in his explanation to the show cause notice and thereafter pass appropriate orders of punishment”.

12. In pursuance to the orders of Andhra Pradesh Administrative Tribunal, Hyderabad, dated 03.12.2012 in O.A.No.6903 of 2012, and Government have decided to cancel the orders issued in the references 10<sup>th</sup> & 12<sup>th</sup> read above and to consider afresh, the explanation submitted by Sri M. Dakshina Murthy, Assistant Executive Engineer for the show cause notice. Accordingly, orders were issued by cancelling the orders issued in the references 10<sup>th</sup> & 12<sup>th</sup> read above, in order to comply with the directions of the Andhra Pradesh Administrative Tribunal, Hyderabad vide reference 14<sup>th</sup> read above.

(P.T.O.)

13. After careful examination of the explanation submitted by Sri M. Dakshina Murthy, Assistant Executive Engineer in the reference 7<sup>th</sup> read above for the show cause notice issued in the reference 6<sup>th</sup> read above, and observed that he was found guilty of not following established procedure by preparing and submitting hand receipts and bills in the names of parties other than those who are said to have executed the works as conceded by him in his explanation which leads to casting aspersions that these bills may not be genuine especially so in view of the contention of the person Sri G. Nagaraju on whose name the HR was prepared, that he has not made any payment as contended by the Charged Officer. Therefore, it has been decided to impose a minor penalty of withholding one annual grade increment without cumulative effect on Sri M. Dakshina Murthy, the then Assistant Executive Engineer, M.I. (W) Section-II, Adoni, Kurnool District and presently Deputy Executive Engineer, AVR HNSS Sub-Division No.1, Penukonda. Accordingly, Government hereby award the minor penalty of withholding one annual grade increment without cumulative effect on Sri M. Dakshina Murthy, the then Assistant Executive Engineer, M.I. (W) Section-II, Adoni, Kurnool District and presently Deputy Executive Engineer, AVR HNSS Sub-Division No.1, Penukonda, in order to comply with the directions of the Andhra Pradesh Administrative Tribunal, Hyderabad dated 03.12.2012 in O.A.No.6903 of 2012.

14. The Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI  
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Dakshina Murthy, formerly Assistant Executive Engineer, M.I.W. Sub-Division-II, Adhoni, Kurnool District and presently working as Deputy Executive Engineer, AVR HNSS Sub-Division No.1, Penukonda through Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad.

The Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad.

Copy to:-

The Accountant General, Andhra Pradesh, Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commission, A.P. Vigilance Commission, Hyderabad.

The Government Pleader for Irrigation & C.A.D. Department (Services), A.P.A.T., Hyderabad.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER